IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 5777 of 2007(K)

PETITIONER:

RAJESH JOSE, AGED,
S/O. JOSE MATHEW, 1ST YEAR MBA STUDENT,
MARTHOMA COLLEGE OF MANAGEMENT ASRAMAM CAMPUS,
PERUMBAVOOR.

BY ADV. SRI.SIVAN MADATHIL

RESPONDENTS:

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1. THE MAHATMA GANDHI UNIVERSITY,
ATHIRAMPUZHA, KOTTAYAM, REPRESENTED BY
ITS REGISTRAR.

2. THE CONTROLLER OF EXAMINATIONS,
MAHATMA GANDHI UNIVERSITY, ATHIRAMPUZHA,
KOTTAYAM.

3. THE PRINCIPAL,
MARTHOMA COLLEGE OF MANAGEMENT AND TECHNOLOGY
ASRAMAM CAMPUS, PERUMBAVOOR.

R1 & R2 BY ADV.SRI.V.A.MOHAMMED.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.5777 OF 2007-K

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Dated this the 28th day of February, 2007.

JUDGMENT

The only issue that is raised by the petitioner at the time of consideration of this case is as to whether it is arbitrary on the part of the M.G.University, the first respondent to insist on a different essential qualification for admission for MBA course than that is prescribed by the other Universities inside and outside the State of Kerala.

2. The petitioner was admitted to the MBA course in the third respondent College. He admittedly does not have the aggregate minimum that is prescribed by the University as the eligibility condition for admission to MBA course. According to the petitioner, the aggregate minimum is not a prescription in the other Universities and therefore, when the managements of the different private

sector institutions have conducted a common aptitude test for screening the candidates for admission, it is inappropriate for the M.G.University to provide a different yardstick for the intake of the students to institutions under the M.G.University and therefore, deprive the petitioner of the opportunity to carry on higher studies. Though it was urged that the different other Universities in India, outside the Kerala, have also not prescribed aggregate minimum as the qualification, there is no material on record to notice that any of the Universities had done so or had not. Each University is a creation of a statute and each University is an independent institution. Subject to the Constitution, it has the authority to have its own rules and regulations. Subject to the Constitution, the Act which constitutes it and the Rules, it has the authority to prescribe minimum qualification for the intake of the students of any particular faculty to a particular course being awarded from that University. Hence, a comparative evaluation of the prescription of the eligibility criteria prescribed by the different Universities is no ground to hold a case of arbitrariness by one University, if it has prescribed the qualifications in exercise of its statutory power. Under such

circumstances, I do not find any arbitrariness in the matter of the M.G.University having prescribed a different qualification for the intake of the students for MBA course other than that prescribed by the other Universities in Kerala. I do not find any violation of Article 14 of the Constitution as contended. The writ petition fails. Dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-